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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,400	03/29/2001	Jay H. Connelly	42390P10860	8766

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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/823,400

Applicant(s)

CONNELLY, JAY H.

Examiner

Christopher M. Lambrecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/27/01, 6/16/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-5, 7, 9-15, and 18-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Lang (Lang et al., WO 00/40028).

With regard to claims 1 and 20, Lang discloses a computing device (fig. 1, p. 7, ll. 12-13) comprising a machine readable medium (ROM 16, fig. 1) and a processor (12, fig. 1), the machine readable medium including instructions which when executed by the processor cause the processor to perform operations (p. 7, ll. 15-22), and corresponding method comprising: receiving a plurality of streaming content description data about a plurality of streaming content (receiving information defining a virtual channel, p. 15, ll. 27-28, where a virtual channel includes streaming content, p. 12, ll. 5-8); receiving a plurality of stored content descriptions data about a plurality of stored content (receiving information defining a virtual channel, p. 15, ll. 27-28, where a virtual channel includes stored content, p. 13, l. 5); and, providing a program guide including at least some of the streaming content description data and at least some of the stored content description data (see fig. 2; the program guide comprises both “real”, i.e. streaming, and stored program schedule information, p. 12, ll. 1-8, and p. 13, l. 5).

As for claims 2 and 21, Lang discloses the system and corresponding method of claims 1 and 20, further comprising: receiving a request to present a selected stored content (fig. 7, user navigates screen 254 and selects a program to watch (where the program is a program which is stored locally, p. 13, l. 5));

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and presenting the selected stored content (fig. 7, illustrated by transitioning from screen 254 to screen 258) (p. 21, ll. 1-8).

As for claims 3 and 22, Lang discloses the system and corresponding method of claims 1 and 20 further comprising: receiving a request to provide a plurality of details about a selected stored content (fig. 7, user navigates screen 254 and selects a program for which to gather details (where the program is a program which is stored locally, p. 13, l. 5)); and presenting the details about the selected stored content (fig. 7, illustrated by transitioning from screen 254 to screen 260) (p. 21, ll. 1-8).

As for claims 4 and 23, Lang discloses the system and corresponding method of claims 1 and 20 further comprising receiving a request to present a selected streaming content (fig. 7, user navigates screen 254 and selects a program to watch (where the program is a program which is streaming, p. 12, ll. 5-8)); and presenting the selected content (fig. 7, illustrated by transitioning from screen 254 to screen 258) (p. 21, ll. 1-8).

As for claims 5 and 24, Lang discloses the system and corresponding method of claims 1 and 20 further comprising receiving a request to provide a plurality of details about a selected streaming content (fig. 7, user navigates screen 254 and selects a program for which to gather details (where the program is a program which is streaming, p. 12, ll. 5-8)); and presenting the details about the selected streaming content (fig. 7, illustrated by transitioning from screen 254 to screen 260) (p. 21, ll. 1-8).

As for claims 7 and 9, Lang discloses the methods of claims 2 and 4, further comprising decompressing (at decoder 66, fig. 1) the stored content (p. 9, ll. 14-19) and streaming content (from satellite 54, terrestrial 55, or cable receiver 58, fig. 1).

As for claims 10 and 11, Lang discloses the method of claim 1 further comprising receiving a content manager update and receiving a new content manager (p. 11, ll. 5-9).

With regard to claim 12, Lang discloses a system comprising: a coordinator (operating system, p. 8, l. 1) to receive a plurality of streaming content description data about a plurality of streaming content (receiving information defining a virtual channel, p. 15, ll. 27-28, where a virtual channel includes streaming content, p. 12, ll. 5-8); at least one content manager (EPG software, p. 11, ll. 4-5) to provide to the coordinator a plurality of stored content descriptions about a plurality of stored content (receiving information defining a virtual channel, p. 15, ll. 27-28, and means to provide said information to the set-top box, p. 16, ll. 5-30, where a virtual channel includes stored content, p. 13, l. 5).

As for claim 13, Lang discloses the system of claim 12, wherein the coordinator (operating system) provides a program guide based on the steaming content description data and the stored content description data (see fig. 2; the program guide comprises both “real”, i.e. streaming, and stored program schedule information, p. 12, ll. 1-8, and p. 13, l. 5).

As for claim 14, Lang discloses the system of claim 12, wherein the coordinator (operating system) invokes the content manager (EPG) to present a user selected content (see fig. 7; the content manager/EPG is invoked during selection of content by the user).

As for claim 15, Lang discloses the system of claim 14 wherein the user selected content is one of the plurality of streaming content or one of the plurality of stored content (the user may select either streaming content or stored content from the program guide comprising a virtual channel, see fig. 2: the

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program guide comprises both “real”, i.e. streaming, and stored program schedule information, p. 12, ll. 1-8, and p. 13, l. 5).

As for claims 18 and 19, Lang discloses the system of claim 12, wherein the coordinator receives a new content manager and the coordinator receives a content manager update (p. 11, ll. 5-9).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang.

With regard to claims 6 and 8, Lang discloses the methods of claims 2 and 4. However, Lang fails to disclose decrypting the stored content and decrypting the streaming content.

Examiner takes Official notice of the fact that it is well known in the art to encrypt both streaming and stored media content in order to limit access to said content to authorized viewers, and likewise it is well known in the art for content receivers such as set-top boxes to include decryption means to decrypt encrypted media content when appropriate, for the purpose of permitting authorized users to enjoy encrypted content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lang to include decrypting the stored content and decrypting the streaming content, for the purpose of permitting authorized users to enjoy encrypted content in a multimedia distribution system.

With regard to claims 16 and 17, Lang discloses the system of claim 12 wherein the coordinator and/or content manager comprise a presentation component (graphics adapter 70, fig. 1, p. 9, ll. 2-26); and a decompression component (decoder 66, fig. 1, p. 9, ll. 18-19). Lang fails to disclose a decryption component.

Examiner takes Official notice of the fact that it is well known in the art to encrypt both streaming and stored media content in order to limit access to said content to authorized viewers, and likewise it is well known in the art for content receivers such as set-top boxes to include decryption means to decrypt encrypted media content when appropriate, for the purpose of permitting authorized users to enjoy encrypted content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lang to include a decryption component, for the purpose of permitting authorized users to enjoy encrypted content in a multimedia distribution system.

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### ***Conclusion***

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_.  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

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### **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (703) 305-8710. The examiner can normally be reached between 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached at (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M. Lambrecht  
Examiner  
Art Unit 2611

CML



CHRIS GRANT  
PRIMARY EXAMINER